

TOWN OF WINDHAM NEW HAMPSHIRE



Warrant and Budget 2022

*This is the preliminary warrant and budget for consideration at the Town Deliberative Session
February 12, 2022 beginning at 9:00 AM at Windham High School, 64 Londonbridge Road*

TOWN WARRANT
THE STATE OF NEW HAMPSHIRE

To the Inhabitants of the Town of Windham in the County of Rockingham in said State, qualified to vote in Town Affairs:

You are hereby notified of the following annual Town Meeting schedule.

First Session of Annual Meeting (Deliberative)

You are hereby notified to meet at the Windham High School in said Windham on Saturday, the Twelfth day of February, 2022 at 9:00 am. This session shall consist of explanation, discussion, and debate of warrant articles numbered 3 through 19. Warrant articles may be amended subject to the following limitations: (a) warrant articles whose wording is prescribed by law shall not be amended and (b) warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

Second Session of Annual Meeting (Official Ballot Voting)

You are hereby notified to meet again at the Windham High School in Windham, on Tuesday, March 8, 2022 between the hours of 7:00 am and 8:00 pm to vote by official ballot on warrant articles numbered 1 through 19.

ARTICLE 1. To choose all necessary Town Officers for the year ensuing.

ARTICLE 2. To vote by ballot on the following amendments to the Windham Zoning Ordinance and Zoning District Map as proposed by the Planning Board.

Planning Board Amendment #1: Gateway Commercial District.

Amend Section 618 of the Windham Zoning Ordinance relating to the Gateway Commercial District
By:

- A. Amending Section 618.1 by deleting the second sentence thereof and replacing it with the following:

“If any provisions of this Section differ or appear to conflict with any provisions or the Zoning Ordinance or other ordinance or regulation, the more strict of the provisions shall govern.”

- B. Amending Section 618.2.1 by inserting at the end thereof the following language:

“..or logistics centers.”

- C. Amending Section 618.3.1 by insertion of the following sentence after the current first sentence of said subsection:

“If a non-residential use (building, parking area or non-access driveway) is proposed closer than 100’ from a residential zoning district, a vegetative buffer or earthen berm 50’ wide must be provided, which will provide screening for the residential use.”

D. Amending Section 618.3 by insertion of the following new subsection:

“618.3.10 No single structure located within the Gateway District will have a building footprint of more than 40,000 square feet.”

E. Amending footnote 13 to Appendix A-1 Table of Requirements by deleting the same and replacing it with the following:

“13. A minimum setback from Range Road and Route 111 and Route 111A shall be fifty feet (50’)”.

F. Amending footnote 14 to Appendix A-1 Table of Requirements by deleting the same and replacing it with the following:

“14. A minimum fifty-foot (50’) landscaped buffer shall be required on any lot line where the abutting parcel is not situated within the Gateway Commercial District”.

The Planning Board Recommends Votes Yes (6-1)

Planning Board Amendment #2: Impact Fee.

Amend Section 715 of the Windham Zoning Ordinance relating to the Impact Fees By:

Deleting the Existing Subsection 715.6 and replacing it with the following:

“715.6 Changes in Assessment Schedule

715.6.1 The impact fee assessment schedules shall be reviewed annually by the Board of Selectmen, School Board and the Planning Board, along with the foundation documents that provide the basis for the assessment schedules. Such review may result in recommended adjustments in one or more of the fees based on the most recent data as they affect the variables in the fee calculations. Changes in the impact fee assessment schedules shall be effective only where the change in the basis of assessment or the fee schedule is adopted following a public hearing by the Planning Board on the proposed change.

715.6.2 Once impact fees have been adopted, or adjusted, and beginning the year after the most recent adoption or adjustment, the Windham Planning Board may conduct a public hearing to discuss an increase in said impact fees to account for inflation. Should the public hearing result in a vote in the affirmative, the Planning Board will be empowered to increase the current impact fees by an amount equal to or lesser than the previous year’s annual CPI.”

The Planning Board Recommends Voting Yes (7-0)

Planning Board Amendment #3: Rural District Uses.

Amend Section 602.2.3 of the Windham Zoning Ordinance relating to uses in the Rural District, by deleting the same and replacing it with the following:

“602.2.3 Cemeteries, Nursing Homes and Charitable institutions.”

The Planning Board Recommends Voting Yes (7-0)

Planning Board Amendment #4: Village Center District.

Amend Section 612 of the Windham Zoning Ordinance relating to the Village Center District By:

- A. Amending the provisions in the opening Section 612 by deleting the same and replacing it with the following:

“The purpose of this District is to create a walkable, mixed-use center that has residential, commercial, historic and open landscaped pedestrian areas that enhance the quality of life in the Town. The Village Center District generally supports denser, mixed-use development including retail, office, and residential uses in conjunction with community gathering spaces accessible by the general public.”

- B. Amending Section 612.2.1 by deleting the same, and replacing it with the following:

“Multi-Unit housing structures for ownership or lease. Multi-unit structures may have up to twelve (12) units and generally no more than two (2) bedrooms per unit and 1800 sq. ft. of living space. However, in structures having six (6) or more units, up to one third of those units may be three-bedroom units of up to 2200 sq. ft. provided that one single one-bedroom unit no larger than 1200 sq. ft. of living space is included in the structure for every two three-bedroom units. This option shall also be available for larger multi-unit structures proposed under Section 612.4.

- C. Amending Section 612.4.2.2 by the addition of the following language at the end of the current language:

“...in addition to any other Community Space requirements”

- D. Amending Section 612.4.3.3 by deleting the same and replacing it with the following:

“612.4.3.3 There will be no adverse impact on adjacent properties, traffic, natural resources, or pedestrian safety, and adjacent site interconnection opportunities are provided via easement for pedestrian and vehicular circulation;”

- E. Amending Section 612.4.3 by the addition of the following new Subsection 612.4.3.6:

“612.4.3.6 The proposed use is deemed by the Planning Board to provide a mixture of residential and non-residential uses that will enhance the village nature of the district. The non-residential use must occupy not less than twenty (20) percent of the total square footage of the structure.”

- F. Amending Section 612.4.4 and Subsections 612.4.4.1 and 612.4.4.2 by deleting the same, and replacing it with:

“612.4.4 Intentionally Omitted”.

- G. Amending Section 612.4 by addition of the following new language:

“612.4.5 A Conditional Use Permit may be granted to allow no front, side or rear setback when the development of a walkable streetscape of contiguous storefronts, sidewalks and shared parking with adjacent VCD properties. Only setbacks preventing contiguous development with adjacent properties may be reduced. All other setbacks must be followed.”

“612.4.6 A Conditional Use Permit may be granted to allow multiple VCD properties to aggregate the 15% open landscaped pedestrian park or plaza area requirement. The required area from one property may be combined with that of another property if the Planning Board deems that it produces a result that is of benefit to the citizens of the town.”

H. Amend Section 612.5.2 by deleting the same and replacing it with the following language:

“612.5.2 A front setback of fifty (50) feet shall be required from Route 111 and Thirty (30) feet from all other roads. Side and rear setbacks shall be twenty (20) feet.”

I. Amending Section 612.5.7 by deleting the same and replacing it with the following language:

“612.5.7 Public space or open-square for outdoor activities, including pedestrian walkways shall be provided; 15% of the land, not including wetlands and slopes greater than 25%, shall be developed as open landscaped pedestrian park or plaza area to be enjoyed by pedestrians or users. The area must be an easily accessible, prominent area with close proximity to public parking. Multiple VCD properties may aggregate this requirement on one property by obtaining a conditional use permit.”

J. Amending Section 612.5, Development Standards, by the addition of the following new subsections:

“612.5.9 Site interconnection opportunities via easement for pedestrians and vehicular circulation with adjacent VCD properties must be provided.

612.5.10 Sidewalks must be constructed to provide interconnectivity with adjacent properties.”

K. Amending Appendix A-1 Table of Requirements by changing the minimum front yard in feet of the Village Center District from 0’ to 30’ with a notation to footnote 16, and including the following footnote 16:

“A front setback of 50 ft. shall be required from Route 111.

L. Amend Appendix A-1 Table of Requirements by changing the Minimum Side Yard for the Village Center District from 0 to 20 ft.

The Planning Board Recommends Voting Yes (7-0)

Planning Board Amendment #5: Wetland Watershed Protection District.

Amend Section 601 of the Windham Zoning Ordinance relating to the Wetland and Watershed Protection District By:

A. Amending Section 601.4.3 by deleting the same and replacing it with the following:

601.4.3 Wetlands of less than one (1) acre in size, but larger than one-half acre shall be considered to have a WWPD of land within Twenty Five (25) feet, and Wetlands of less than one-half acre shall not be considered to have a WWPD except, in either case, those which are contiguous to a stream, brook or pond, in which case the provisions of Section 601.4.1 shall apply.”

B. Amending Section 601.4.6 by deleting the same and replacing it with the following:

601.4.6 None of the following shall be located closer than One Hundred Feet (100') to any wetland contiguous to a WWPD or within a WWPD:

- Any waste disposal system
- Swimming pool/hot tub discharge or backwash
- Drinking water, reverse osmosis filtration rejects, backwash, or discharge
- Animal waste, compost, or fertilizer storage
- Snow storage, salt, or chlorine storage
- Untreated storm water discharge

C. Amending Section 601.4.8.3 by addition of the following new numbered paragraph to the existing language:

“3. Applicant may be required to submit current wildlife impact studies for Aquatic, Amphibious, protected, endangered, special interest species, Vernal pool, and nesting habitats, shown to be performed within proper season and within 1 year of application.”

D. Amending Section 601.4.8.6.1 by the addition of the following new language:

“In the event a special permit expires, Applicant may be required to produce new and updated environmental studies to include wildlife corridors, aquatic species, protected, endangered, and special interest species, vernal pool, and nesting studies.”

The Planning Board Recommends Voting Yes (7-0)

Planning Board Amendment #6: Vernal Pools

Amend Section 716.4 of the Windham Zoning Ordinance relating to the protective buffer around vernal pools, by enlarging the buffer distance from twenty-five (25) feet to forty (40) feet.

The Planning Board Recommends Voting Yes (7-0)

Planning Board Amendment #7: Minimum Lot Size and Density

Amend Appendix A-1 Table of Requirements of the Windham Zoning Ordinance, by deleting the existing language of footnote 5 and replacing the same with the following:

“5. Minimum lot area and residential density requirements for two-family and multi-family dwellings shall be determined in accordance with Minimum Lot Area by Soil Type requirements specified in this Appendix A-1. Specifically:

- a. Minimum lot area for any parcel of land upon which a single (one) two-family (duplex) dwelling is located shall be established by proportional adjustment of Appendix A-1 Minimum Lot Area by Soil type values based upon bedroom count. Specifically, for any two-family (duplex) dwelling having a combined total of more than four bedrooms, minimum required lot area shall be determined by increasing the prevailing Appendix A-1 Minimum Lot Area by Soil type value by a factor equal to the number of bedrooms proposed divided by four. As an example, Minimum Lot Area required for a duplex dwelling having a total of six bedrooms would be 1.5 (6/4) times that specified at Appendix A-1.

- b. Maximum Multi-family residential density available for any parcel of land shall be established by determining the number of individual lots attainable on that parcel in accordance with Appendix A-1 – Minimum Lot Area by Soil Type requirements and multiplying that outcome by four to yield maximum number of bedrooms permissible. The resulting number of bedrooms may then be assigned to individual two, three, and four-bedroom dwelling unit in any preferred manner that otherwise conforms with applicable provisions of this zoning ordinance.”

The Planning Board Recommends Voting Yes (4-1-2)

Planning Board Amendment #8: Rezoning to Historic District.

Amend Windham Zoning Map by rezoning Map 11-C-150 located at 31 Enterprise Drive and generally known as The Indian Rock Lot from Commercial A District to Historic District.

The Planning Board Recommends Voting Yes (7-0)

ARTICLE 3. To vote by ballot on the following amendments to the Windham Zoning Ordinance and Zoning District Map as proposed by Petition under RSA 675:4.

Citizen Petition #1 Rezoning Lot 9-A-500 “Rural” to “Residence B” District

Amend the Town Zoning by changing the zoning on the property known as 150 Haverhill Road, Tax Map and Lot 9-A-500 from the “Rural District” to the “Residence District B District”.

The Planning Board Recommends Voting No (6-1)

Citizen Petition #2 Rezoning Lot 9-A-500 “Rural” to “Village Center” District

Amend the Town Zoning by changing the zoning on the property known as 150 Haverhill Road, Tax Map and Lot 9-A-500 from the “Rural District” to the “Village Center District”.

The Planning Board Recommends Voting No (7-0)

ARTICLE 4. To see if the Town will vote to raise and appropriate the sum of Six Million Two Hundred Thousand and no 100th Dollar (\$6,200,000.00) to purchase land and easements for conservation purposes, and to authorize the Board of Selectmen to issue bonds or notes in compliance with provisions of the Municipal Finance Act (RSA 33:1 et seq., as amended); provided, however, that notwithstanding anything herein to the contrary, the Town shall not issue more than two million dollars (\$2,000,000.00) of bonds or notes in any one calendar year, to authorize the Selectmen to negotiate and determine the rate of interest thereon and the maturity and other terms thereof, and to take any other action they deem appropriate to effectuate the sale and / or issuance of said bonds or notes, however, no such bonds or notes shall be issued with a term maturity of not less than ten (10) years or more than fifteen (15) years. Land or property interest to be purchased with bond proceeds shall be acquired in the name of the Town by the Conservation Commission, subject to the approval of the Selectmen, pursuant to RSA 36-A:4. (60% Majority Required)

Recommended by the Board of Selectmen 4-0-1

ARTICLE 5. To see if the Town will vote to raise and appropriate the sum of \$75,000 to be added to the Property Maintenance Expendable Trust Fund.

Recommended by the Board of Selectmen 5-0

ARTICLE 6. To see if the Town will vote to raise and appropriate the sum of up to \$32,500, said amount to be withdrawn from the balance in the previously established Searles Special Revenue Fund for payment of both marketing related and maintenance related costs associated with the Searles Building. Approval of this article will have no additional impact on the tax rate.

Recommended by the Board of Selectmen 5-0

ARTICLE 7. To see if the town will vote to authorize the expenditure of the unused portion of the bond approved in 2020 – Article 6, for repairing the roof and stone exterior of the tower of the Searles Building, and to raise and appropriate \$98,579 in unused bond proceeds for repairing the flooring structure of the tower and upper tower interior walls per RSA 33:3-a, II. No amount of money needs to be raised by taxation. (60% vote required)

Recommended by the Board of Selectmen 5-0

ARTICLE 8. To see if the Town will vote to raise and appropriate the sum of \$58,070 for the purpose of hiring a full time Police Officer beginning on or about July 1, 2022. Said sum representing the costs associated with wages, benefits, and equipment needed for a portion of 2022.

Recommended by the Board of Selectmen 5-0

ARTICLE 9. To see if the Town will vote to raise and appropriate the sum of \$20,000 for the purpose of making repairs and renovations to the Town Hall, to include but not limited to, siding repairs and or painting, drainage improvements, moisture control, insulation, and window improvements. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the project is complete or for a period of five (5) years, whichever is less. This article is part of the recommended Capital Improvement Program.

Recommended by the Board of Selectmen 5-0

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of \$100,000 for the purpose of purchasing a small excavator for the Highway Department and purchasing ancillary equipment for said vehicle. This article is part of the recommended Capital Improvement Plan.

Recommended by the Board of Selectmen 4-1

ARTICLE 11. To see if the Town will vote to raise and appropriate the sum of \$185,000 for the purpose of purchasing a five-ton, six-wheel plow truck for the Highway Department and purchasing ancillary equipment for said vehicle. This article is part of the recommended Capital Improvement Plan.

Recommended by the Board of Selectmen 5-0

ARTICLE 12. To see if the Town will vote to raise and appropriate the sum of \$50,000 for the purpose of developing an updated Master Plan and to authorize the Planning Board to engage the services of a consultant to assist in the development of the plan. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the project is complete or for a period of three (3) years, whichever is less.

Recommended by the Board of Selectmen 4-1

ARTICLE 13. To see if the Town will vote to raise and appropriate the sum of \$7,500 to be used towards forest improvements and maintenance within the McIlvaine Town Forest and further to raise the same by withdrawal of seven thousand five hundred dollars (\$7,500) from the Special Forest Maintenance Fund created in accordance with RSA 31:113. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse for a period of three (3) years. Approval of this article will have no impact on the tax rate.

Recommended by the Board of Selectmen 5-0

ARTICLE 14. To see if the Town will vote to authorize the Selectmen to convey an easement in favor of Brian Harvey, of MCL, LLC, over a portion of the Town’s Recreational Trail, lot 9-A-770, in the area between Shamrock Road and Anderson Road, for the purpose of allowing a driveway easement to Lot 9-A-825 for a single-family residence. In addition, to authorize the Selectmen to negotiate the terms of such easements as they shall deem appropriate as well as to take any other action related thereto. The ability to grant one driveway easement is in accordance with the deed allowances when the Town acquired the property from the State of NH in 2001.

Recommended by the Board of Selectmen 4-0

ARTICLE 15. Shall the Town adopt the provisions of RSA 79-H which allows the Town to “find it to be in the public interest to authorize municipalities to allow a chartered public school to be able to rent or lease its building or facilities from a property owner which is not exempt from property taxes, and not have the property taxes attributable to the chartered public school facilities be taxed to the owner at the full market value of the facilities?” If adopted qualifying chartered public school facility property would be assessed at no more than 10 percent of its market value.

Recommended by the Board of Selectmen 5-0

ARTICLE 16. – To see if the Town will vote in accordance with RSA 32:5(V-b) to require that the annual budget and all special warrant articles having a tax impact, as determined by the governing body, shall contain a notation stating the estimated tax impact of the article.

Recommended by the Board of Selectmen 4-0-1

ARTICLE 17. By petition of Peter Griffin and others, a request to the voters to raise and appropriate \$9,500.00 dollars to restore the stonework on the historic Gov. Dinsmore Wall. This represents the third phase of work on the wall located at the corner of Gov. Dinsmore Road and Mockingbird Hill Road. The other phases included extensive tree removal, creation of a historic district, and the restoration of the bronze plaque. The goal is to create a pocket park.

Not Recommended by the Board of Selectmen 4-1

ARTICLE 18. By petition of Wanda Koch and others “Shall the following provisions pertaining to elections be adopted? All voting shall be by paper ballot and all ballots shall be hand counted only, rather than by use of optical scanning or any other types of programmable electronic counting devices.”

This shall constitute an application for RSA 656:40, stating ballot counting machines were adopted on a trial basis, so we wish to return to manual hand counting by citizens.

Not Recommended by the Board of Selectmen 4-1

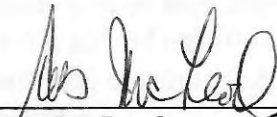
ARTICLE 19. Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$17,583,167.58. Should this article be defeated, the operating budget shall be \$17,071,004.58 which is the same as last year, with certain adjustments required by previous action of the town, or by law, or the governing body may hold one special meeting in accordance with RSA 40:13 X and XVI to take up the issue of a revised operating budget only.

Town Officers’ Salaries	\$ 3,330	Appraisal of Properties	203,840
Administration	866,110	Information Technologies	264,495
Town Clerk Expenses	357,095	Town Museum	6,750
Tax Collector Expenses	192,230	Searles Building	9,260
Election and Registration	32,180	Legal Expenses	133,500
Cemeteries	41,450	Retirement Service Charges	4,000
General Gov’t Buildings	411,520	Insurance	381,555

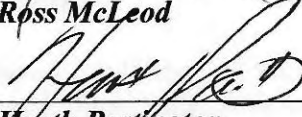
Contracted Services	5	General Assistance	45,540
Police Department	3,856,965	Library	1,386,825
Dispatching	542,180	Recreation	286,840
Fire Department	4,218,620	Historic District Commission	7,500
Emergency Management	4,590	Conservation Commission	7,160
Community Development	607,690	Senior Center	5,370
Town Highway Maintenance	1,208,010	Cable TV Expenses	129,790
Street Lighting	15,320	Interest Expenses (TANs)	500
Solid Waste Disposal	1,391,010	Long Term Debt	529,012.58
Health and Human Services	52,925	(Principal \$390,367.85 and Interest \$138,644.73)	
		Capital Outlay – Roads (Part of CIP)	380,000
		Recommended by the Board of Selectmen 5-0	

***Note:** Warrant Article 19 (operating budget does not include appropriations proposed under any other warrant articles).

Given under our hands and seal, this 28th day of January, in the year of our Lord two thousand and twenty-two.



Ross McLeod



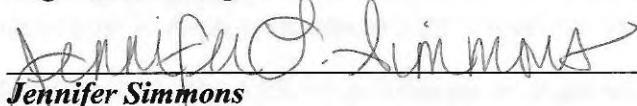
Heath Partridge



Bruce Breton



Roger Hohenberger

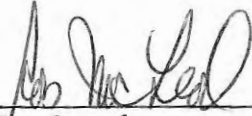


Jennifer Simmons

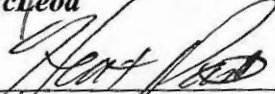
Board of Selectmen, Town of Windham

ROCKINGHAM COUNTY: Windham, New Hampshire

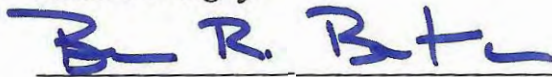
We hereby certify that we gave notice to the inhabitants within named, to meet at the time and place and for the purpose within mentioned, by posting up an attested copy of the within Warrant at the place of meeting within named, and a like attested copy at the WINDHAM TOWN HALL, NESMITH LIBRARY, and WINDHAM HIGH SCHOOL, being public places in said Town, on the 28th day of January, 2022.



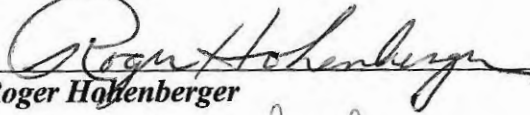
Ross McLeod



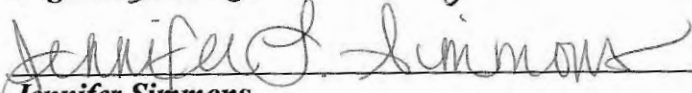
Heath Partington



Bruce Breton



Roger Hohenberger



Jennifer Simmons

Board of Selectmen, Town of Windham